



Ms. Irene Khan

Special Rapporteur on the Protection of Human Rights and Fundamental Freedoms while
Countering Terrorism (Acting as Special Rapporteur on Arbitrary Detention)

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

CH-1211 Geneva 10, Switzerland

July 2, 2025

Addressing Arbitrary Detention in Cannabis Prohibition

Dear Special Rapporteur Khan,

With unwavering resolve, the Alliance for Rights-Oriented Drug Policies (AROD) seeks your support to confront the systemic rule of law crisis caused by cannabis prohibition, which violates the right to liberty and security (ICCPR Article 9, ECHR Article 5) in Europe and the United States. Our 12-year advocacy, detailed in 2013–2025 correspondence with the Council of Europe (CoE)—including letters to Secretary General Alain Berset, [PACE](#), the Pompidou Group, Commissioner O’Flaherty, and Committee of Ministers Chairperson Borg—exposes judicial failures to protect fundamental rights, as evidenced by [Mikalsen v. Norway](#) (2012, 2023, 2024) and [Constitutional Challenges to the Drug Law](#) (2017).

Failure of Law

Cannabis prohibition fuels a €12.1 billion illicit market (EUDA EU Drug Market: Cannabis 2023), undermining the rule of law. In Norway, AROD estimates 1 million punitive sanctions, a 1.75 billion NOK black market, and 300 annual overdose deaths (Nasjonal rapport 2022). Globally, our [Truth and Reconciliation Commission Report](#) estimates 400,000 deaths and 5 million wrongful imprisonments, with disproportionate detentions violating ICCPR Article 9 and ECHR Article 5. In the U.S., Constitutional Challenges documents over 100 failed challenges to drug laws, with courts’ unprincipled reasoning dismissing liberty and equal protection claims (Mallan Court, p. 183). NOU 2019:26 and NOU 2002:04 confirm Norway’s panic-driven policies, with Norwegian jurists for 30 years calling for a new direction. PACE Resolution 2277 (2019) notes “serious violations of the rule of law” across CoE states, aligning with the CoE’s 2025 Report’s call for “reforms where standards fall short,” highlighting critical challenges to the rule of law, including judicial failures and Norway’s disproportionate measures.



Judicial Failures

The ECtHR's dismissal of Mikalsen v. Norway as "manifestly ill-founded" without reasoned analysis violates procedural fairness (*S.A.S. v. France* 2014, 2019 UN Guidelines on Legal Aid). Norway's courts, citing these dismissals, block review (Oslo City Court, November 25, 2024), rendering ECHR protections ineffective since 2010. In the U.S., courts' [reliance](#) on the "demon drug" myth perpetuates arbitrary detentions, violating ICCPR Article 9. The UN Working Group on Arbitrary Detention's 2020 report confirms drug-related detentions are often arbitrary, as seen in Norway's 1 million sanctions (Nasjonal rapport).

Regulation as a Solution

Regulation aligns with your mandate to prevent arbitrary detention by reducing punitive enforcement. Malta's 2021 legalization (7g possession, non-profit social clubs) cut arrests by 60% (EUDA European Drug Report 2024–2025). Uruguay and Canada reduced illicit markets and arrests by 50–60% (2013–2023). The UN High Commissioner's 2024 CND statement urges regulation to protect rights, mitigating Norway's 1 million sanctions and global 5 million imprisonments.

Call for Action

AROD's Requiem for the Rule of Law [event](#) (June 23–24, 2025) and 12-year CoE [engagement](#), including our recent letter to UN Special Rapporteur Nougères, demand action. Your 2020 report highlights the arbitrariness of drug-related detentions. We urge you to:

- conduct country visits to Norway and the U.S.: investigate arbitrary detentions in drug enforcement (Nasjonal rapport, Constitutional Challenges);
- issue a communication to Norway and the U.S.: demand explanations for ICCPR Article 9 violations;
- report to the HRC: include prohibition's detention impacts in your March 2026 report, supporting AROD's Truth and Reconciliation Commission.

Civil society demands action. As nations like Malta regulate cannabis to protect liberty, your leadership can end arbitrary detentions. We respectfully request a meeting and a response by August 1, 2025.

Sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' and last name 'Mikalsen' clearly distinguishable.

Roar Mikalsen

President of the Alliance for Rights-Oriented Drug Policies (AROD)